

**MINUTES OF THE REGULAR MEETING OF THE
BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
FOR JULY 19, 2006**

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **July 19, 2006** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

10 present, 2 absent. Commissioners Kerns and Frasz were excused.

PRAYER

Commissioner Fay led the commissioners in prayer.

**APPROVAL OF THE MINUTES OF THE
JULY 5, 2006 REGULAR MEETING**

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the Minutes of the July 5, 2006 Regular Meeting.

**ITEMS NOT ADDRESSED ON THE AGENDA –
SUSPENSION OF THE RULES**

None

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb reported that the Alley Rally was very well received. The Public Works Department is emptying dumpsters behind NCAT and will be moving to five other locations.

One of the CVA franchise teams has been located in Butte and the all-star game will be held here. The owners were here in Butte all week. They have decided to locate their corporate headquarters in Butte.

A meeting was held today and discussions were held on how we can move this community forward with the swimming pool. \$10,000 has been put into the budget to conduct an engineering study. We are hoping to have that done sometime in the fall. It will be something that will need to go before the voters.

They have been working with the County Attorney's office on the Garrison Hill road. There will be more to follow and he will update council.

Senator Burns is trying to obtain some funding for the Naval Reserve building for the hockey group. It will be in the \$350,000 range for 2007 and \$300,000 for 2008.

SECTION I

PRESENTATION COMMUNICATION NO. 06-450

Taxpayers of the Immaculate Conception School area, requesting time on the 7/19/06 agenda to discuss neighborhood concerns regarding the old Immaculate Conception Grade School

John Paul, 1139 Caledonia Street came to the microphone and listed his concerns regarding the Immaculate Conception School. This building has been occupied by a archery club. It has been used at times as a flop house. Butte-Silver Bow condemned the building and now has ownership. There are pigeons in the building and the building is still easily accessible. There are 9 or 10 holes punched in the building. He passed out a booklet of pictures of the building which were recently taken. The roof of the building has collapsed onto the second floor. He asked if Butte-Silver Bow Commissioners would amend their budget for the 2006-2007 to include costs for demolition of this building. He then read a letter from a neighbor, Jeanie Anderson, 1201 W. Copper expressing her objections to the buildings. And also another name to add to the petition, Robert Feeney 1132 W. Woolman who is in agreement that the school should be torn down. The following neighbors spoke for the demolition of the building:

Dorothy Simpson, 1153 Caledonia
Meg Sharp, 1034 Caledonia
Mary Miller, 1120 Caledonia
Peggy Paul, 1139 Caledonia
Jim Prendergast, 401 N. Western.

Chief Executive Babb said he would see that the building is secured as we pursue a resolution for it. He said he will ask that Dan Dennehy of the Health Department and John Van Daveer of the Public Works Department appear in two weeks before the Council to make a presentation as to the costs to demolish. After several commissioners' comments it was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to place Communication No. 06-450 on file.

SECTION II

INVITATION FOR BIDS

SEALED BIDS FOR SEWER MAIN RENEWALS. (Communication No. 06-445)
Proof of publication was noted and placed on file

John Van Daveer, Director of the Public Works Department, opened the one bid from H & H Contracting, 501 Centennial. The base bid for items 1 through 3 in \$428,551.00.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to send the bid to the Public Works Department for review and report back and place communication No. 06-445 on file.

SECTION III

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AN BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

- 1. 06-6 Karen Byrnes and Patrick J. Riordan, requesting creation of a Special Improvement Lighting District No. 1026.
Recommendation: schedule public hearing and refer to Judiciary Committee pending introduction of resolution of intent.

C. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O’Leary made a “friendly amendment” to the Committee of the Whole Report, page 7, Section I, references to the Chief Executive should read Council Chairman. He segregated Item No. 1 under Section C, Communication No. 06-442 and No. 11, Communication No. 06-453

Commissioner O’Leary then moved for approval of the Consent Agenda, Section A, 1 through 4, Section B, No. 1 and Section C, Items 1 through 32 exclusive of Items 1 and 11. The motion was seconded by Commissioner Bury and carried with a unanimous verbal vote.

John C. Walsh, Sheriff, requesting council confirm appointments of Kevin Maloughney and Chris Tymofichuk as permanent members of the Butte-Silver Bow Law Enforcement Department.

Sheriff Walsh came to the microphone and introduced Kevin Maloughney and Chris Tymofichuk and gave some background on both of them. He recommended that they both be confirmed as permanent members of the Butte-Silver Bow Law Enforcement Department.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried with a unanimous verbal vote to confirm the appointments as permanent members of the Butte-Silver Bow Law Enforcement Department.

Communication No. 06-453

Ted A. Deschner, requesting street closures on 8/2/06 and 8/3/06 for free concert by Redbone Band.

Commissioner O’Leary stated he found out that this request for a free concert was to be held the day before the Fair Board was having this band for a concert. He made calls to some Fair Board members who were unaware of any of this. This takes away from the Fair Board their opportunity to make money. They have contracted with this Band for a sizeable amount of money for a three-night show at the Civic Center. This free concert is going to do nothing but hurt the Fair Board. **He changed his recommendation on this communication to “deny and place on file. He made that in the form of a motion and Commissioner Bury seconded the motion. On the question, Commissioner Walker said that he sees the M & M is mentioned there and as the owner of the M & M he has no involvement in this at all. The motion was carried with a unanimous verbal vote.**

Commissioner O’Leary stated he found out that this request for a free concert was to be held the day before the Fair Board was having this band for a concert. He made calls to some Fair Board members who were unaware of any of this. This takes away from the Fair Board their opportunity to make money. They have contracted with this Band for a sizeable amount of money for a three-night show at the Civic Center. This free concert is going to do nothing but hurt the Fair Board. **He changed his recommendation on this communication to “deny and place on file. He made that in the form of a motion and Commissioner Bury seconded the motion. On the question, Commissioner Walker said that he sees the M & M is mentioned there and as the owner of the M & M he has no involvement in this at all. The motion was carried with a unanimous verbal vote.**

SECTION IV ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 06-59

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY LOCATED ON EAST PARK STREET, LEGALLY DESCRIBED AS LOTS 38-42 AND THE WEST HALF OF LOT 43 OF THE LIZZIE LODGE, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, WITHIN THE CITY-COUNTY BUTTE-SILVER BOW, STATE OF MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW

MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-60

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY LOCATED ON EAST PARK STREET, LEGALLY DESCRIBED AS LOTS 47-49 AND THE WEST 3.5' OF LOT 50 OF THE LIZZIE LODE, SECTION 18, TOWNSHIP 3 NORTH, RANGE 7 WEST, WITHIN THE CITY-COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V RESOLUTIONS AND ORDINANCES –
FINAL READING**

1. COUNCIL RESOLUTION NO. 06-58

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 9 AND 10 IN BLOCK 1 OF THE VANDERBUILT ADDITION AND LOTS 18 AND 19 IN BLOCK 5 OF THE STANLEY ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried with a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Resolution No. 06-58 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Sheehy and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:15 PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER